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Attorneys for Defendant
YELP! INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JUSTIN LARKIN, ANTHONY
TIJERINO, and AHMAD DEANES, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

CASE NO. CV 11-1503 EMC

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO STAY CASE PENDING
MEDIATION AND RESETTING CMC**

**FOR 12/2/11
Honorable Edward M. Chen**

1 WHEREAS, Plaintiffs have filed this putative class and collective action alleging
2 state and federal wage and hour claims concerning their employment with Defendant Yelp! Inc.;

3 WHEREAS, the parties previously stipulated that the deadline for Defendant to
4 respond to the complaint would be extended to May 10, 2011;

5 WHEREAS, the parties, through their counsel, have met and conferred about
6 conducting a mediation, and the parties have agreed to schedule a mediation with a private
7 mediator specializing in these types of actions;

8 WHEREAS, the parties agree that it would serve efficiency interests and preserve
9 judicial and party resources to stay this action pending the anticipated mediation;

10 WHEREAS, the parties have met and conferred and reached agreement on issues
11 concerning tolling of Plaintiffs' federal claims under the Fair Labor Standards Act;

12 WHEREAS, the parties anticipate that, mainly as the result of mediator
13 availability, it will take ninety (90) to one hundred twenty (120) days to complete the anticipated
14 mediation, and therefore propose that they be required to report back to the Court on the status of
15 the mediation and stay within that time frame;

16 WHEREAS, the parties, through their counsel of record, stipulate as follow:

17 IT IS HEREBY STIPULATED that the parties jointly and respectfully request an
18 order stating that (a) the entire action is stayed pending the anticipated mediation in this matter;
19 (b) Defendant's deadline to answer or otherwise respond to the complaint is hereby postponed
20 until twenty (20) days after the lifting of the stay; (c) the parties are required to submit a report on
21 the status of the mediation and the continued propriety of the stay within one hundred twenty
22 (120) days of the order; and (d) the stay shall expire in the event any party fails to execute or
23 revokes the FLSA tolling agreement.

1 DATED: May 11, 2011

RUKIN HYLAND DORIA & TINDALL LLP

4 By: /s/ Peter Rukin

Peter Rukin
Attorneys for Plaintiffs

6 DATED: May 11, 2011

MUNGER, TOLLES & OLSON LLP
MALCOLM A. HEINICKE
CAROLYN V. ZABRYCKI

9 By: /s/ Malcolm A. Heinicke

Malcolm A. Heinicke
Attorneys for Defendant

12 **CERTIFICATION**

13 I, Malcolm A. Heinicke, am the ECF User whose identification and password are
14 being used to file this STIPULATION AND [PROPOSED] ORDER TO STAY CASE
15 PENDING MEDIATION. In compliance with General Order 45.X.B., I hereby attest that Peter
16 Rukin concurred in this filing.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED. Specifically, the Court
18 orders that (a) the action is stayed pending the anticipated mediation in this matter; (b)
19 Defendant's deadline to answer or otherwise respond to the complaint is hereby postponed until
20 twenty (20) days after the lifting of this stay; (c) the parties shall submit a report on the status of
21 the mediation and the continued propriety of the stay within one hundred twenty (120) days of
22 this Order; and (d) the stay shall expire in the event any party fails to execute or revokes the
23 FLSA tolling agreement. The CMC is reset for 12/2/11 at 2:00 p.m. A joint CMC statement
24 shall be filed by 11/25/11.

25 DATED: May 24, 2011

